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January 31, 2020

VIA ECF

Honorable Katherine Polk Failla, U.S. District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: US Specialty Insurance Co. v. Wesco Ins. Co. v. Colony Ins. Co.
S.D.N.Y. Docket No.: 1:19-cv-4260-KPF
Wesco Ins. Co. v. Colony Ins. Co.
S.D.N.Y. Docket No. 1:19-cv-3295--KPF
Our File No.: LF 127.0567015

Dear Judge Failla:

The undersigned counsel submit this joint letter to the Court with respect to the captioned matters, which have been consolidated.

At the pre-trial conference held on December 10, 2019, the parties discussed their intentions to file motions for summary judgment. The parties intend to file following motions:

- Plaintiff US Specialty Insurance Company (“USSIC”) anticipates filing a summary judgment motion on its claims against Wesco Insurance Company and for an order that Wesco is obligated to defend and indemnify the USSIC Insureds based upon the Wesco Policy and underlying contracts.
- Defendant/Third-Party Plaintiff Wesco plans to move for summary judgment on its direct claims and third-party claims against Colony and for an order declaring that Colony is obligated to defend and indemnify Wesco’s insured (Rockaway) as well as one or more of the USSIC Insureds in connection with the underlying bodily injury action.

- Colony anticipates filing a motion for summary judgment on the ground that it does not owe coverage for the underlying matter based on the “No Coverage Applies if Contractor Conditions Not Met Endorsement” to its policy.

Pursuant to the Court’s scheduling Order dated December 10, 2019, the parties have consulted and propose the following briefing schedule:

- All initial moving papers for each motion listed above to be filed by March 6, 2020;
- All opposition papers to any motions must be filed by March 27, 2020; and
- Any reply papers to be filed by April 8, 2020.

Should the need arise, the parties have agreed that they will endeavor to work together to extend professional courtesies on any requests for brief extensions of the above deadlines as they would in the normal course of business.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

<p>LONDON FISCHER LLP</p> <p>By: <u>Maria Jorgelina Foglietta</u> Daniel W. London Maria Jorgelina Foglietta. Attorneys for Plaintiff US Specialty Insurance Company 59 Maiden Lane, 39th Floor New York, New York 10038 (212) 331-9456</p>	<p>KENNEDYS CMK LLP</p> <p>By: <u>Jake Palefski</u> Jake Palefski, Esq. Attorneys for Defendant/Third-Party Plaintiff Wesco Insurance Company 570 Lexington Avenue, 8th Floor New York, NY 10022 (212)-252-0004</p>
<p>TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP</p> <p>By: <u>Jonathan Harwood</u> Jonathan R. Harwood, Esq. Attorneys for Defendant/Third-Party Defendant Colony Insurance Company Mid-Westchester Executive Park Seven Skyline Drive Hawthorne, New York 10532 (914) 347-2600</p>	

Application GRANTED. The Court hereby adopts the parties' proposed briefing schedule.

Dated: February 3, 2020 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE